

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

The United States of America, The Republic of China, The United Kingdom of Great Britain and Northern Ireland, The Union of Soviet Socialist Republics, The Commonwealth of Australia, Canada, The Republic of France, The Kingdom of the Netherlands, New Zealand, India, and The Commonwealth of the Philippines,

- Against -

ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO, Kingoro; HATA, Shunroku; HIRANUMA, Kiichiro; HIROTA, Koki; HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA, Okinori; KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuniaki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI, Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi; OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo; SHIGEMITSU, Mamoru; EHIMADA, Shigetaro; SHIRATORI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO, Hideki; UMEZU, Yoshijiro,

- Accused -

Court House of the Tribunal
War Ministry Building
Tokyo, Japan
Monday - 29 April, 1946

Lodging of the Indictment

Indicted for: 1. Crimes against Peace;
2. Murder; and
3. Conventional War Crimes
and Crimes against
Humanity.

1 Before:

2
3 HON. SIR WILLIAM T. WEBB, President
4 of the Tribunal and Member from
the Commonwealth of Australia;

5 HON. E. STUART MC DOUGALL, Justice,
6 Member from the Dominion of
Canada;

7 HON. JU-LO MEI, Member from the
8 Republic of China;

9 HON. HENRI BERNARD, Member from the
10 Republic of France;

11 PROF. BERNARD VICTOR A. ROLING,
12 Member from the Kingdom of the
13 Netherlands;

14 HON. ERINA HARVEY NORTHCROFT, Justice,
15 Member from the Dominion of New
Zealand;

16 HON. I. M. ZARYANOV, Justice, Member
17 from the Union of Soviet Social-
18 ist Republics;

19 HON. LORD PATRICK, Member from the
20 United Kingdom of Great Britain
21 and Northern Ireland; and

22 HON. JOHN F. HIGGINS, Justice, Member
23 from the United States of America.
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

For the International Prosecution Section:

HON. JOSEPH B. KEENAN, Chief of Counsel,
acting on behalf of the United States
of America;

MR. T. C. LIU, representing Associate
Counsel, acting on behalf of the
Republic of China;

MR. A. S. COMYNS CARR, Associate Counsel,
acting on behalf of the United Kingdom
of Great Britain and Northern Ireland;

MR. S. A. GOLUNSKY, Associate Counsel,
acting on behalf of the Union of
Soviet Socialist Republics;

A. J. MANSFIELD, Justice, Associate Counsel,
acting on behalf of the Commonwealth of
Australia;

H. G. NOLAN, Brigadier, Associate Counsel,
acting on behalf of Canada;

MR. J. GOUELOU, representing Associate Counsel,
acting on behalf of the Republic of
France;

MR. A. T. LAVERGE, representing Associate
Counsel, acting on behalf of the
Kingdom of the Netherlands;

R. H. QUILLIAM, Brigadier, Associate Counsel,
acting on behalf of New Zealand; and

MR. PEDRO LOPEZ, Associate Counsel, acting
on behalf of the Commonwealth of the
Philippines.

1 For the Office of the General Secretary. IMTPE:

2
3 VERN WALBRIDGE, Colonel, CAC,
4 General Secretary;

5 G. W. HANLEY, Lieutenant Colonel, FA,
6 Executive Officer;

7 EDWARD H. DELL,
8 Legal Adviser to the Secretariat; and

9
10 D. S. VAN METER, Captain, QMC,
11 Marshal of the Court.
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Monday, 29 April, 1946

2 - - -
3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal was convened at 1000 in Chambers,
10 the Honorable Sir William F. Webb, President and Member
11 from the Commonwealth of Australia, presiding.

12 - - -
13 THE PRESIDENT: Mr. Chief Prosecutor, I
14 understand you have an application to make. You may
15 remain seated, sir.

16 MR. KEENAN: Sir William, we have already, in
17 accordance with the terms of the Charter, lodged the
18 original Indictment, signed by the Prosecutors assigned
19 to this work by the various nations; and copies in suf-
20 ficient number have been served to the Secretariat in
21 both the English and Japanese translations.

22 THE PRESIDENT: In sufficient number to serve
23 all the accused?

24 MR. KEENAN: To serve the accused, and also
25 copies of the Charter, in accordance with General Order
26 20, as amended.

27 The Japanese translations are on the way and

1 will be lodged within an hour or two. Therefore, to
2 act in strict accordance with the interpretation of the
3 Charter, we have lodged with the Secretariat a brief
4 informal application for the fixing of the date of ar-
5 raignment. It has already been given to the Secretar-
6 iat, and it specifically asks the Court to fix the date
7 of arraignment for the accused. That, I understand, is
8 the reason for this meeting.

9 THE PRESIDENT: Are all the accused in
10 custody?

11 MR. KEENAN: All are in custody. Three of
12 them have been in the custody of the British in the
13 Malayan area, and one of them is expected in Tokyo
14 today. The other two are scheduled to leave on the
15 30th of this month or the 1st of next month.

16 THE PRESIDENT: That is tomorrow or the
17 following day. Could they not be brought by plane to
18 Tokyo?

19 MR. KEENAN: We have already sent a plane.
20 But, for some matters of procedure, particularly the
21 results of arrangements with which I am not too famil-
22 iar, there have been some communication difficulties,
23 and we do not know exactly when they left or when they
24 will arrive. However, they are in custody.

25 THE PRESIDENT: Do you not think that there

1 should be one date of arraignment for all the accused
2 in order to permit the last man served the full time to
3 answer?

4 MR. KEENAN: We have been attempting for the
5 last sixty days to have these men returned.

6 THE PRESIDENT: Could they be served today?
7 They are not in custody in Tokyo; they are in Manila?

8 MR. KEENAN: They are in Bangkok. One is in
9 Manila. We have had so many delays that we have never
10 been sure that they would be here; so, we had consider-
11 ed proceeding and going ahead with the arraignment and,
12 in the case of the two men, having another -- a sub-
13 sequent arraignment or extension of time. The names
14 of the two accused to whom I have been referring are
15 KIMURA and ITAGAKI.

16 THE PRESIDENT: It is desirable that all
17 plead on the same day.

18 MR. KEENAN: I understand that, but we have
19 already had difficulties in getting them returned.

20 (At this point in the proceedings,
21 it was determined by the Tribunal that a
22 Court Reporter should be present to record
23 verbatim the balance of the proceedings.)

24 MEMBER FROM DOMINION OF NEW ZEALAND: SATO is
25 the third?

1 MR. KEENAN: SATO is here.

2 THE PRESIDENT: The others can be served.
3 They are all in custody somewhere, so no special order
4 is required for service on those not in custody.

5 Have you copies of the Indictment, Charter
6 and all other documents? Are there any documents
7 besides the Indictment and the Charter?

8 MR. KEENAN: None at this stage of the
9 proceeding.

10 THE PRESIDENT: You have translations of the
11 Indictment and the Charter for each accused?

12 MR. KEENAN: Yes, sir.

13 THE PRESIDENT: What time would you suggest
14 should be fixed for arraignment -- for taking the pleas
15 of guilty or not guilty?

16 MR. KEENAN: We feel that there would be no
17 requirement for delay before Thursday or Friday of this
18 week.

19 THE PRESIDENT: Friday would give them four
20 days. Are you suggesting that three days would be
21 sufficient?

22 MR. KEENAN: We would not object to the
23 fourth day, Friday, so there would be no question of
24 their being able to thoroughly examine the Indictment
25 and of having some conferences with counsel so that

1 they could intelligently plead. We think Friday would
2 be entirely appropriate.

3 THE PRESIDENT: I have here a paper handed to
4 me, signed by Captain Beverly Coleman, which reads as
5 follows. I might say that Captain Coleman came to see
6 me this morning; and I said I would not see him but
7 that he could, while the Tribunal is in Chambers, make
8 application to it through the General Secretary to be
9 admitted before the Tribunal, in Chambers, to make
10 representations, and, apparently, he followed that.
11 Here is the communication I have received from him:

12 "In the

13 First Proceeding

14 Before the Tribunal

15 APPLICATION REGARDING ARRAIGNMENT

16 Requests

17 "I, Captain Beverly M. Coleman, USNR, having
18 been appointed Chief of the Defense Division of the
19 Secretariat on 22 April 1946, do hereby make the follow-
20 requests:

- 21 1. That the arraignment of the accused
22 be held not earlier than two (2)
23 weeks after the filing of the in-
24 dictment; and
25 2. That the accused be permitted to

1 enter pleas at the arraignment with
2 the right secured subsequent to the
3 arraignment of making amendments to
4 the pleas and of making applications
5 and motions, either specially or gen-
6 erally, to the indictment and the
7 proceedings instituted thereby.

8 Factual Background to Requests

9 "1. Of an anticipated legal staff of about
10 thirty (30) attorneys and fifteen (15) secretarial
11 assistants, the Defense Division now contains only six
12 (6) counsel and three (3) secretaries. It is estimated
13 that the remainder of such personnel will not be avail-
14 able to the Division for approximately two (2) weeks.

15 "2. There is no effective organization of
16 Japanese attorneys for the accused for the reason that
17 the identity of the accused has not been known until
18 now and for the further reason that regulations at
19 Sugamo Prison have severely restricted communication
20 between Japanese attorneys and the accused.

21 "3. Language barriers impede progress in
22 interviews and conferences of American defense counsel
23 with both the accused and Japanese counsel.

24 "4. Differences in basic legal concepts and
25 training make difficult an early achievement of mutual

1 understanding between Japanese and American counsel.

2 Additional Explanation of Request #1

3 "1. One week is required to ascertain the
4 Japanese counsel for the accused and to see to the ful-
5 fillment of the requirements of Article 9c of the
6 Tribunal's Charter. The Defense Division proposes to
7 execute these tasks and so relieve the Tribunal of the
8 possible burden of appointing Japanese counsel for any
9 accused. As soon as possible after the filing of the
10 indictment, representatives of the Defense Division
11 will confer with each accused and endeavor to obtain a
12 written designation of his chief Japanese counsel.
13 After these initial conferences, the Defense Division
14 will communicate with the Japanese attorneys designated
15 by the accused in order to determine whether or not
16 they will accept the responsibilities of defense coun-
17 sel. To those who do accept such responsibilities,
18 the Defense Division is authorized through the Secre-
19 tariat to issue limited passes to Sugamo Prison to
20 enable Japanese counsel to prepare their respective
21 cases. This will be the first occasion for most of the
22 accused to confer with their counsel about the present
23 proceedings. If the accused's first choice of Japanese
24 counsel is unable to assume the duties attendant there-
25 to, the Defense Division will begin anew the process of

1 ascertaining Japanese counsel. In the event, the
2 accused prefers to have another make the selection of
3 counsel, appropriate communication will also be made.

4 "2. A second week is required for consider-
5 ation and study of the indictment by both Japanese and
6 American counsel together and the preparation of ap-
7 propriate motions and applications. During the pro-
8 posed first week after the return of the indictment
9 it is planned to have three lawyers of the Defense
10 Division attend principally to matters relating to the
11 ascertainment of Japanese counsel; it is hoped that the
12 other three will be able to study the indictment and
13 hold preliminary conferences with the Japanese defense
14 counsel in order to facilitate preparations during the
15 second week for arraignment day.

16 Additional Explanation of Request #2

17 "As Request #1 sets a minimum time period
18 needed to enable Japanese and American defense counsel
19 to act in concert on the day of the Tribunal's first
20 public session, it is affirmed that no complete study
21 of the legal ramifications of the indictment is possible
22 prior to arraignment day on only a two weeks basis. It
23 is therefore submitted that the accused should not be
24 prejudiced by decisions made under hurried circum-
25 stances previous to the appointment of their individual

1 American counsel, upon whom both the accused and Japan-
2 ese counsel will heavily rely,

3 CONCLUSION

4 "Though the above requests might appear to
5 involve delay, it is believed that if granted, they not
6 only will afford time necessary to the accused for a
7 proper defense but also will expedite these proceed-
8 ings in later stages.

9 Respectfully submitted,

10 Beverly M. Coleman
11 Captain, USNR
12 Chief of Defense Division
IMTFE."

29 April 1946

13 THE PRESIDENT: (Continuing) Well, I do not
14 know whether or not the Tribunal desires to hear
15 Captain Coleman. If they do, we will ask him to come
16 in and give any further explanation that any Member
17 thinks he might give. I propose to invite him to come
18 in.

19 MR. KEENAN: I have been informed, Sir
20 William, this was to be an ex parte application in
21 accordance with the usual procedure with almost every
22 nation that I know of represented on this Tribunal. I
23 suggest that the Charter is clear and readily compre-
24 hensible; that the Indictment itself, while voluminous,
25 sets forth in great particular the offenses charged,

1 and they are very simple; and that what we are appear-
2 ing for -- the arraignment -- is to determine solely
3 the question of whether these defendants plead guilty
4 or not guilty. I think, from our viewpoint, they will
5 have ample time to present any motions or applications
6 to the Court. There will be an interim, I assume, from
7 the time of arraignment, and due consideration will be
8 given to the time of trial. But, from the viewpoint of
9 the various prosecutors, we feel the very simple issue
10 should be presented at the time of the arraignment -- that
11 is, to determine whether or not these defendants wish to
12 stand trial or whether they wish to plead guilty.

13 THE PRESIDENT: In addition to hearing ampli-
14 fications of these recommendations, I think we do want
15 to be satisfied that Captain Coleman is what he repre-
16 sents himself to be. He may have no difficulty in
17 doing that.

18 (Whereupon, Captain Coleman and
19 Lieutenant Deale, having been summoned, pre-
20 sented themselves before the Tribunal.)

21 Captain Coleman, we have received your
22 request directed to the Tribunal. You were the
23 President of a war crimes court in Yokohama, were you
24 not?

25 CAPTAIN COLEMAN: That is right.

1 THE PRESIDENT: You were never associated
2 with the defense of any Japanese?

3 CAPTAIN COLEMAN: No, that is right.

4 THE PRESIDENT: Will you tell us in detail
5 how you became Chief Defense Counsel?
6

7 CAPTAIN COLEMAN: I was appointed by the
8 Secretary of the Secretariat, I understand, under in-
9 structions of GHQ.

10 THE PRESIDENT: But you have no authority
11 from any Japanese, have you?

12 CAPTAIN COLEMAN: No, sir, we have not.

13 THE PRESIDENT: We cannot hear you unless you
14 say you speak for an individual Japanese with his con-
15 currence.

16 CAPTAIN COLEMAN: Heretofore, there have been
17 no Japanese accused. Therefore, there was no one whom
18 I could -- no, no specific individual -- it was just a
19 matter concerning the point of view of the over-all
20 defense.

21 THE PRESIDENT: You have been appointed by
22 GHQ in anticipation of the possibility that Japanese
23 accused will require assistance. But, actually, you do
24 not represent any Japanese accused today.

25 CAPTAIN COLEMAN: No.

THE PRESIDENT: We have no authority to hear

1 you. Thank you.

2 (Whereupon, Captain Coleman withdrew.)

3 Yes, Mr. Keenan, even if we take this matter
4 under consideration, still I cannot suggest it will in-
5 volve extension of any time contemplated. The question
6 seems to be whether it should be three or four days;
7 and, apparently, you would not object to four days.

8 MR. KEENAN: No, I would not.

9 THE PRESIDENT: The time we give them to
10 plead might be taken into account when we come to con-
11 sider the time to enable them to prepare their defense.
12 We will first hear them, of course.

13 MR. KEENAN: And, of course, we have the
14 burden of going forward; and, we will be and are pre-
15 pared to proceed at the time fixed by the Court when we
16 hear from the Tribunal and have a date fixed. But, I
17 do not believe that one day's delay between the three
18 and four days will make a great deal of difference.
19 That would be taken into consideration. But, the mo-
20 ment that Indictment is served upon the defendants,
21 each and every one will have counsel; and, at the same
22 time he will be served, he will have handed to him a
23 Japanese translation. It will be a considerable task
24 to conform to the statute of this Indictment.
25

THE PRESIDENT: With regard to the

1 Indictments to be served later, should we now fix a
2 special date for them, or should we fix one date for
3 all and give those who are served late an opportunity
4 to apply for a further extension in which to consider
5 their pleas?

6 MR. KEENAN: I know of no more practical way
7 to handle it. We are dealing with realities, with
8 post-war conditions, and with great difficulty of
9 travel and distances, and I cannot make a representa-
10 tion to the Court as to when they will be here other
11 than the information that was officially transmitted
12 to me. We have followed it very closely. But, I
13 think it would be profitable, with the number of de-
14 fendants we have, to have them arraigned; and, if we
15 have to have a second arraignment for the other two at
16 a later date, we can meet that situation when it arises.

17 THE PRESIDENT: For the time being, it may be
18 sufficient if we fix Friday, the 3d of May, at ten-
19 thirty o'clock in the morning for the arraignment of
20 all of the accused, with the intimation that, in the
21 case of those who are not served today, we will consid-
22 er an application for an extension of that time.

23 Now, the accused have to be notified of the
24 date fixed for their pleas. I suggest a notice be en-
25 dorsed on the Indictment in English and in Japanese --

1 on the Indictment and on the copy of the Indictment --
2 and that their attention be drawn to it by the person
3 serving it, who will be an officer of this Court -- the
4 Marshal.

5 MR. KEENAN: Your desire of the procedure to
6 be made is that we would furnish all necessary copies
7 of the Indictment and Charter in both languages --

8 THE PRESIDENT: Yes.

9 MR. KEENAN: (Continuing) and the names of
10 the defendants, and that, thereafter, the Court would
11 proceed, through its marshal, to serve such copies upon
12 the defendants.

13 THE PRESIDENT: I understand that it was
14 arranged earlier. We follow that, of course. It seems
15 to be the course in certain countries -- I deal now
16 with the question of notice -- how would it be given.
17 I suggest by an endorsement on the copy of the Indict-
18 ment in English and in Japanese, stating the time and
19 place for the plea -- that is to say, instead of serv-
20 ing a separate notice, that it be endorsed, which is
21 the common practice in court proceedings.

22 MR. KEENAN: It would be much simpler, from
23 the standpoint of mechanics, if we found them to exist,
24 to have a notice in a separate form --

25 THE PRESIDENT: Would it?

1 MR. KEENAN: (Continuing) rather than to
2 attempt to attach it to the Indictment, because then we
3 have the question of mimeographing copies and transla-
4 tions, and that takes a good deal of time.

5 THE PRESIDENT: Very well. I see no objec-
6 tion to that course if there is some difficulty in the
7 other; so, they will be given a notice, when served
8 with the Indictments, of the time fixed for arraign-
9 ment. That will be signed by the General Secretary, I
10 believe. In fact, I have already drafted it. That
11 will be in English and Japanese.

12 Documents for the Court, Mr. Chief Prosecu-
13 tor, are serious matters. The Court wants to be sure
14 that each Member will have copies of all relevant doc-
15 uments -- all documents that have to be considered.

16 MR. KEENAN: We have, of course, ample copies
17 of the Indictments.

18 THE PRESIDENT: Enough for eleven judges --

19 MR. KEENAN: Oh, yes.

20 THE PRESIDENT: (Continuing) and perhaps a
21 few others, in case the judges want to send copies to
22 their respective governments?

23 MR. KEENAN: Yes, I think, by the end of the
24 day, there can be furnished sufficient numbers -- by
25 one o'clock -- for all of the Members of the Court, of

17

1 every document; and, a few hours later in the after-
2 noon, perhaps forty or fifty or more. It will not be
3 difficult to get those out. We have already printed a
4 thousand copies of the Indictment in English, and we
5 have a thousand copies of the Indictment in Japanese.
6 We have not quite so many of the Charter, about several
7 hundred, and we have a limited number, which will be
8 supplemented, of the translation into Japanese of the
9 Charter; and those are the only documents that we have
10 intention of presenting for the time being.

11 THE PRESIDENT: Now, about copies of docu-
12 ments tendered in the course of the hearings, Mr.
13 Keenan, perhaps it is too early to bring it up, but it
14 may be desirable to do so. How far are you going to
15 assist the Secretariat in getting copies of all docu-
16 ments which will be part of the record -- which the
17 Court will have to consider in arriving at its conclu-
18 sions?

19 MR. KEENAN: We have a document section, and
20 we have a large translation pool that we have employed
21 in the International Prosecution Section on all matters
22 of documentation, and we would want to extend you the
23 full facilities.

24 THE PRESIDENT: How about the accused? The
25 accused may not be in a position to provide themselves

1 every document; and, a few hours later in the after-
2 noon, perhaps forty or fifty or more. It will not be
3 difficult to get those out. We have already printed a
4 thousand copies of the Indictment in English, and we
5 have a thousand copies of the Indictment in Japanese.
6 We have not quite so many of the Charter, about several
7 hundred, and we have a limited number, which will be
8 supplemented, of the translation into Japanese of the
9 Charter; and those are the only documents that we have
10 intention of presenting for the time being.

11 THE PRESIDENT: Now, about copies of docu-
12 ments tendered in the course of the hearings, Mr.
13 Keenan, perhaps it is too early to bring it up, but it
14 may be desirable to do so. How far are you going to
15 assist the Secretariat in getting copies of all docu-
16 ments which will be part of the record -- which the
17 Court will have to consider in arriving at its conclu-
18 sions?

19 MR. KEENAN: We have a document section, and
20 we have a large translation pool that we have employed
21 in the International Prosecution Section on all matters
22 of documentation, and we would want to extend you the
23 full facilities.

24 THE PRESIDENT: How about the accused? The
25 accused may not be in a position to provide themselves

1 with copy of the documents. They may have documents --
2 they will have documents of which the Court would want
3 copies. Would you provide the Court with copies of the
4 papers the accused want to bring before the Court?

5 Would you undertake to do that? I am not suggesting --

6 MR. KEENAN: I never was certain whether that
7 was the function of the prosecution or the secretary of
8 the Court as set up. I will answer you at this time.
9 We will be glad to cooperate in the fullest to do it,
10 but I would like to have opportunity for a little re-
11 flection before I undertake that obligation.

12 THE PRESIDENT: I am not suggesting you do
13 one thing or the other. I am trying to ascertain how
14 far you are going to help us to get the necessary
15 papers -- even on the side of the defense, as well as
16 your side -- and how far you are prepared to make
17 copies of your documents available to the accused.

18 MR. KEENAN: We will attempt to have copies
19 of all the documents we make, and to have them in suf-
20 ficient number so that they can be supplied at least
21 one for every defendant in addition to those that will
22 be supplied formally as required by the Charter of the
23 Court. I believe we can do that without too great a
24 difficulty. Of course, we have at all times the prob-
25 lem before us of finishing our preparation for the

1 presentation of this case, and we have many duties and
2 obligations, with a still limited staff, to do that
3 work. But, we do have facilities already enumerated,
4 and we would be glad to undertake the furnishing of
5 copies of all documents to the defendants -- the number
6 of defendants that there are -- in addition to those
7 that are supplied the Court. Quite a mechanical prob-
8 lem, but I think we are probably in the best position
9 to undertake to do that job.

10 THE PRESIDENT: Has any other Member any
11 question to ask?

12 MR. KEENAN: I have the original Indictment
13 signed by the chief of counsel and each of the Allied
14 prosecutors, or his prexy, which Indictment I will leave
15 with Judge Dell.

16 THE PRESIDENT: You propose to file that?

17 MR. KEENAN: Yes, that is being forwarded.

18 THE PRESIDENT: That is the original. It
19 will be read, if required, at the arraignment?

20 MR. KEENAN: Yes.

21 (Whereupon, the document above
22 referred to was handed to the General Sec-
23 retary, IMTFE.)

24 MR. KEENAN: (Continuing) Mr. President,
25 perhaps it would be in order to point out to the Court

1 at this time that there is no specific provision in
2 the Charter for arraignment and no definition of
3 arraignment in the Charter itself, so that might be
4 taken into consideration in serving notice of what
5 this process was.

6 THE PRESIDENT: Well, I think we will explain
7 it. They will be called at that hour and place to say
8 whether they are guilty or not guilty of the charges --
9 guilty or not guilty. That can be put in Japanese in
10 a way which will not be misunderstood.

11 MR. KEENAN: And, of course, I assume it will
12 be understood that the time of their arraignment -- as
13 we call it -- or their presence in Court, is to learn
14 of the charges and to receive their pleas; that applica-
15 tions will then be made to fix a date for the beginning
16 of the taking of evidence of the trial?

17 THE PRESIDENT: Yes.

18 MR. KEENAN: If there is nothing more, then
19 I shall ask leave to withdraw.

20 THE PRESIDENT: We direct you to serve
21 copies of the Indictment and Charter on each of the
22 accused forthwith, the service to be undertaken by an
23 officer of the Court, namely, the marshal; and we fix
24 Friday, the 3d day of May, at ten-thirty, at the
25 Tribunal's Court House in Tokyo as the time and place

1 when the accused will plead to the charges in the
2 Indictment.

3 (Whereupon, at 1145, an adjourn-
4 ment was taken until Friday, 3 May, 1946,
5 at 1030.)
6
7 -----
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25